

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

7 MARIA L. ANTUNEZ, }
8 Plaintiff, }
9 vs. }
10 OFFICIAL SERVICES GROUP , }
11 Defendant. }

Case No. 2:09-cv-01808-PMP-PAL

**REPORT OF FINDINGS AND
RECOMMENDATION**

Plaintiff Maria L. Antunez (“Plaintiff”) is proceeding in this action *pro se*. Plaintiff requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis* and submitted a Complaint on July 29, 2009. This proceeding was referred to this court by Local Rule IB 1-9. The court was unable to determine whether Plaintiff qualified for *in forma pauperis* status because Plaintiff stated in her application that she received income from rent payments, interest, or dividends, but she failed to describe the source of such income or the amount received. As a result, the court denied Plaintiff’s application without prejudice and allowed Plaintiff until December 14, 2009 in which to file a new completed application to proceed *in forma pauperis*. See Order, Dkt. #3. The court warned Plaintiff that “[f]ailure to comply with this Order will result in a recommendation to the District Judge that this case be dismissed.” Id. at 2:1-2. To date, Plaintiff has not filed a new application nor has she requested additional time in which to comply with the court’s Order (Dkt. #3.)

For the foregoing reasons,

IT IS RECOMMENDED that her application to proceed *in forma pauperis* be DENIED for her failure to comply with the court's order to file a new completed application.

Dated this 29th day of January, 2010.

Peggy A. Leen
PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

1
2 **NOTICE**
3

4 These findings and recommendations are submitted to the United States District Judge assigned
5 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within ten days after being served
6 with these findings and recommendations, any party may file written objections with the court.
7 Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and
8 recommendations of a magistrate judge shall file and serve *specific written objections* together with
9 points and authorities in support of those objections, within ten (10) days of the date of service of the
10 findings and recommendations. The document should be captioned “Objections to Magistrate Judge’s
11 Findings and Recommendations.” The parties are advised that failure to file objections within the
12 specified time may waive the right to appeal the District Court’s Order. Martinez v. Ylst, 951 F.2d
13 1153 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are
14 subject to the page limitations found in LR 7-4.

15
16
17
18
19
20
21
22
23
24
25
26
27
28